



2001

2012

[2].

» 1996 [3].

. 221

» (Antiterrorism and Effective
Death Penalty Act of 1996),

[4].

cogens).

(jus

[5].

1999 «

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1978

[1].

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1950 . (-) [6].

jus cogens,

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parte Pinochet»

[5, . 36].

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2001 , 21 - : « - jus cogens

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28 2008 [7].

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11 2004

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» [5, . 61].

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. 1 . 6 ,

1944 .

: « jus cogens, «(1)

1943 1945 ..

jus cogens. jus cogens

(2)

jus cogens

(3)

» [5, ()].

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«

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» [7, . 1].

2008

: «

» [5, ()].

» [7, . 3].

Pinochet»,

» 1976

1. A/N.4/L.575/3 - 23 1999 . 51-
2. Ex parte Pinochet // [Elektronic resource] - 2013. - Mode of access: <http://www.jstor.org/discover...> - Date of access: 20.03.2013.
3. The Foreign Sovereign Immunities Act of USA (1976) // Materials on Jurisdict. Immun. of States and Their Property. - New York: UN, 1982. - P. 55-63.
4. Antiterrorism and Effective Death Penalty Act of 1996: // [Elektronic resource] - 2013. - Mode of access: <http://www.fas.org/irp/crs/96-499.htm>. - Date of access: 26.03.2013.
5. 35763/97. 21 2001 . // [: <http://www.rpoi.narod.ru...al-adsani.htm>. : 08.11.2013 .
6. 11 // [: <http://conventions.coe.int/treaty/rus/treaties/html/005.htm>. : 15.10.2012 .
7. // [: <http://www.icj-cij.org>. - : 15.10.2012 .
8. Jurisdictional Immunities of the State (Germany v. Italy: Greece intervening) // [Elektronic resource] - 2013. - Mode of access: <http://www.icj-cij.org/docket/index...> - Date of access: 08.11.2012 r.

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ANNOTATION

04.06.2013

The correlation between the immunity of the state and human rights has an scientific importance. The problem of bringing a suits to a state is considering in our article. The best example of this question is the solution of the International Court of Justice (ICJ) about civil action from Italy to Germany. On the solution is based the author's conclusion that the violation of human rights by any state can not be a basis for the presentation civil actions to it. As a result, the decision of the ICJ on February 3, 2012 has strengthened the positions of the supporters of the immunity of the state. The decision has stroke the theory of functional immunity.